


EXHIBIT A

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): 2013 DCV-2273-B COURT (FOR CLERK USE ONLY): 117thSTYLED Cecil Ray Russell v. Christus Spohn Health Systems Corporation d/b/a Christus Spohn Hospital - Corpus Christi

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name:	Email:	Plaintiff(s)/Petitioner(s):		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:	
Mark Anthony Sánchez, Esq	masanchez@gws-law.com	Cecil Ray Russell			
Address:	Telephone:	Defendant(s)/Respondent(s):		Additional Parties in Child Support Case:	
115 E. Travis, 19th Floor	(210) 222-8899	Christus Spohn Health Systems		Custodial Parent:	
City/State/Zip:	Fax:	Corporation d/b/a Christus Spohn		Non-Custodial Parent:	
San Antonio, Texas 78205	(210) 222-9526	Hospital - Corpus Christi		Presumed Father:	
Signature: 	State Bar No:	(Attach additional page as necessary to list all parties)			
	00795857				
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input checked="" type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetrate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax:	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

Rev 2/13

CAUSE NO. 2013-OCV-2273-B

CECIL RAY RUSSELL
Plaintiff,

IN THE DISTRICT COURT

vs.

117th JUDICIAL DISTRICT

CHRISTUS SPOHN HEALTH SYSTEM
CORPORATION d/b/a CHRISTUS
SPOHN HOSPITAL – CORPUS CHRISTI
Defendant.

NUECES COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES PLAINTIFF CECIL RAY RUSSELL, by and through his undersigned attorneys of record, and, in accordance with the Texas Rules of Civil Procedure, files this, his Original Petition, against DEFENDANT CORPORATION d/b/a CHRISTUS SPOHN HOSPITAL – CORPUS CHRISTI. For cause of action, Mr. Russell would show unto the Court the following:

I.

DISCOVERY CONTROL PLAN

1. Mr. Russell intends that discovery be conducted under Level 2. He affirmatively pleads that he seeks monetary relief aggregating more than \$200,000.00, but not exceed \$1,000,000.00 and injunctive relief.

CLERK OF COUNTY &
DISTRICT COURTS
NUECES COUNTY, TEXAS
2013 APR 25 PM 12:53
FILED-PATSY PEREZ
BY [Signature]

II. THE PARTIES

2. Mr. Russell is a citizen of the United States and a Texas resident living at 3410 Crestmeadow Street, Corpus Christi, Nueces County, Texas 78415. He is African-American and was born on October 24, 1957.

3. Defendant, Christus Spohn Health Systems Corporation d/b/a Christus Spohn Hospital – Corpus Christi, is a domestic not-for-profit corporation operating pursuant to the laws of the State of Texas. Defendant can be served with service of process upon Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701-3218.

III. JURISDICTION

4. On or about November 4, 2011 and within 180 days after Defendant terminated him, Mr. Russell timely filed a Charge of Discrimination against Defendant with the appropriate administrative agencies, including the United States Equal Employment Opportunity Commission (“EEOC”) identified as Charge No. 36B-2012-00016 and the Civil Rights Division of the Texas Workforce Commission (“TWC”) identified as Charge No. 36B-2012-00016.¹ Mr. Russell subsequently amended his charge on December 22, 2011 and January 25, 2012.

5. On or about February 25, 2013, Mr. Russell received a Notice of Right to File a Civil Action (hereinafter “Notice”) from the TWC.²

6. By filing a Charge of Discrimination, receiving his Notice, and filing suit within 60 days of receiving his Notice, Mr. Russell has complied with all conditions precedent and exhausted all applicable administrative remedies prior to filing suit.

¹ See Exhibit 1, Charge of Discrimination, annexed hereto and incorporated by reference as if fully set forth herein.

² See Exhibit 2, Notice, annexed hereto and incorporated by reference as if fully set forth herein.

IV.
VENUE

7. Because the acts and omissions forming the basis of this suit occurred in Nueces County, Texas, venue is appropriate in the district courts of Nueces County, Texas.

8. Defendant, at all relevant times hereto, was Mr. Russell's employer as defined by and within the meaning of the Texas Labor Code.

V.
STATEMENT OF FACTS

9. Defendant hired Mr. Russell on or about December 17, 2001 to serve in the position of Ortho Tech, but was later promoted to the position of ER Tech. He possessed the requisite skill, experience, education and other job-related requirements for the positions he held. Mr. Russell worked at Defendant's facility located at 2606 Hospital Boulevard, Corpus Christi, Nueces County, Texas 78405.

10. In 2008 and 2009, Mr. Russell filed internal discrimination complaints with upper management. He felt that his supervisor, Linda Snyder ("Snyder") targeted him for discrimination based upon his race and religion. He also felt that Snyder had created a hostile work environment. During this time frame, Snyder and other upper-level managers regularly showed favoritism toward younger and non-African-American employees by allowing them to report to work late and to remain absent from assigned work-stations for extended periods of time while such work rules were strictly applied to Mr. Russell. Snyder and other upper level managers denied, interfered with and restrained Mr. Russell's ability to read the Holy Bible on his free time while other younger employees were allowed to access inappropriate internet web sites of a sexual nature.

11. On or about April 21, 2011, Snyder issued Mr. Russell a Chronological Coaching Record listing several alleged customer complaints made against Mr. Russell and placed him on probation for 90 days. Snyder never made Mr. Russell aware of any alleged complaints made against him nor did she give Mr. Russell a meaningful opportunity to respond.

12. On or about January 24, 2012, Snyder terminated Mr. Russell for allegedly administering aspirin to a patient without proper authority. Mr. Russell contends he was asked to dispense the aspirin by a registered nurse. He further contends that other younger and non-African-American ER Techs have dispensed medications and have not been terminated.

VI.
VIOLETIONS OF THE TEXAS LABOR CODE

13. By and through his Original Petition, Mr. Russell pleads that he suffered an adverse employment actions including, but not limited to, termination.

14. By and through his Original Petition, Mr. Russell pleads that he was hired by Defendant and, *ipso facto*, was qualified for the position he held based upon the requisite skill, experience, education and other job-related requirements for the position.

15. By and through his Original Petition, Mr. Russell pleads that Defendant maintains a pattern and practice of discriminating against African-Americans, including himself, in its employment practices. More specifically, Mr. Russell pleads that he was terminated while Anglo employees that engaged in nearly identical conduct were not.

16. By and through his Original Petition, Mr. Russell pleads that Defendant, as a direct and proximate result of the fact that he opposed practices made unlawful by the Texas Labor Code and because he made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing governed by the Texas Labor Code, retaliated against him by terminating him.

17. By and through his Original Petition, Mr. Russell pleads that Defendant maintains a pattern and practice of discriminating against employees over 40 years of age, including himself, in its employment practices. More specifically, Mr. Russell pleads that he was terminated while younger employees that engaged in nearly identical conduct were not. He was either i) replaced by someone outside the protected class, ii) replaced by someone younger, or iii) otherwise suffered discrimination because of his age.

18. By and through his Original Petition, Mr. Russell pleads that Defendant failed and/or refused to accommodate his reasonable religious beliefs and needs when such accommodation could be made without serious inconvenience to the conduct of its day-to-day business. More specifically, Mr. Russell pleads that Defendant denied him the opportunity to read the Holy Bible at work while allowing other, younger employees access to inappropriate internet web sites of a sexual nature.

VII. **VIOLATIONS OF 42 U.S.C. §1981**

19. By and through his Original Petition, Mr. Russell pleads that Defendant, through its employees, agents, and representatives, intentionally deprived him of the right to make and enforce contracts to the full and equal benefit of the law as enjoyed by white citizens. Defendant deprived him of such right by creating a hostile work environment, by retaliating against him for engaging in protected conduct and opposing unlawful conduct, and by eventually terminating him.

VIII. **DAMAGES**

20. By and through his Original Petition, Mr. Russell pleads that Defendant, and its agents, employees and representatives, have caused him grievous harm and damages. As a direct

and proximate result of its violations of Texas law, Defendant has caused Mr. Russell to suffer extensive damages in amounts within the jurisdictional limits of this Court.

21. By and through his Original Petition, Mr. Russell pleads that Defendant has caused him to suffer acute mental anguish and severe emotional distress including, but not limited to, intense feelings of guilt and depression, anxiety, worry, apprehension, low self-esteem, severe humiliation, belittlement, shame, uncontrollable panic attacks, loss of sleep and appetite, and alienation of affection from his family and friends. Mr. Russell will, in all likelihood and for the balance of his life, continue to suffer these damages.

22. By and through his Original Petition, Mr. Russell pleads that Defendant caused him to suffer lost wages, lost future wages, and loss of other valuable employment benefits such as insurance and retirement benefits. Mr. Russell will continue to suffer these wages and benefits into the foreseeable future.

23. Mr. Russell was forced to secure the undersigned counsel to protect his rights guaranteed by the Texas Labor Code and, therefore, requests an award of attorney's fees and taxable costs of Court.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF CECIL RAY RUSSELL respectfully prays that, upon final trial on the merits, he recover judgment against DEFENDANT CHRISTUS SPOHN HEALTH SYSTEM CORPORATION d/b/a CHRISTUS SPOHN HOSPITAL – CORPUS CHRISTI, said judgment entitling him to:

1. Compensation for all reasonable damages, including, but not limited to, past and future wages and other compensation, in an amount to be determined upon inquest;
2. Compensation for compensatory damages such as mental anguish and emotional pain and suffering, in an amount to be determined upon inquest;
3. A mandatory injunction reinstating Mr. Russell to full employment, with all lost

wages and pertinent employment benefits, retroactive January 24, 2012;

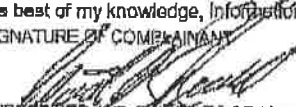
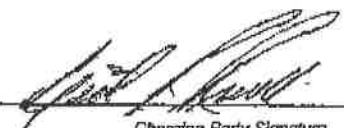
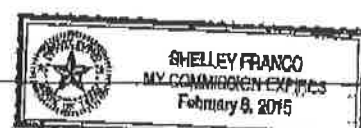
4. Reasonable and necessary attorney's fees;
5. All taxable costs of court expended in this lawsuit;
6. Pre-judgment and post-judgment interest, at the maximum rate permitted by law;
7. Such other and further legal relief, either at law or equity, to which Mr. Russell may be justly entitled.

Respectfully submitted,

GALE, WILSON & SÁNCHEZ, P.L.L.C.
MARK ANTHONY SÁNCHEZ, ESQ.
CHRISTOPHER JOHN GALE, ESQ.
115 East Travis Street, 19th Floor
San Antonio, Texas 78205
(210) 222-8899
(210) 222-9526 (Telecopier)
ATTORNEYS FOR PLAINTIFF

By: 

MARK ANTHONY SÁNCHEZ, ESQ.
TEXAS STATE BAR NO. 00795857
CHRISTOPHER JOHN GALE, ESQ.
TEXAS STATE BAR NO. 00793766

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input checked="" type="checkbox"/> FEPA	36B-A12-0016
		<input checked="" type="checkbox"/> EEOC	36B-2012-00016
City of Corpus Christi Human Relations Commission and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.)		Home Phone (incl. Area Code)	Date of Birth
Cecil R. Russell			
Street Address		City, State and ZIP Code	
3410 Crestmeadow Street		Corpus Christi, TX 78415	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (Include Area Code)
CHRISTUS SPOHN MEMORIAL HOSPITAL		500 or More	(361) 902-4000
Street Address		City, State and ZIP Code	
2601 Hospital Blvd.		Corpus Christi, TX 78405	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest Latest 05-04-2011 11-04-2011	
		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>On or about May 4, 2011, I filed a Charge of Discrimination alleging disparate treatment. Beginning from that date and continuing, I have been retaliated against for filing my Charge of Discrimination. For example, I am schedule almost exclusively to work in the "POD" while other technicians are schedule on a rotation between the POD, triage, red team, or blue team. I have frequently been the only technician scheduled in the POD area and when I requested help due to heavy patient need, I was denied help. Other technicians are given assistance when working alone. My lab orders are entered by the RN's and other technicians when other ER technicians enter their own Lab orders unless they specifically request otherwise. I am pulled from my lab work to do menial tasks such as service equipment and tie computer cables.</p> <p>Following the dismissal of my EEOC complaint, I was called to a meeting on August 4, 2011, where complaints were alleged against me for such matters as scaring patients, asking family members to leave the POD area, threatening to call the police on a patient, and a complaint that I talked to a patient when he had asked me not to speak. The meeting was intended to harass and intimidate me now that the company had been informed of the dismissal of my complaint.</p> <p>Following the dismissal, the retaliation has continued on a daily basis. I have been harassed and accused of being tardy when I clocked in at 9:00 a.m., my shift start time. Other technicians are tardy and are not spoken to. I have been accused of leaving</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 11/4/2011	
Date Nov 04, 2011  Charging Party Signature			



CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☒ FEPA
☒ EEOC

36B-A12-0016

36B-2012-00016

City of Corpus Christi Human Relations Commission

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

incomplete patient charts at the end of my shift when the complaint was made at a time that I was not on shift. Printing of lab orders has been stopped while I am at lunch, and when I return, I am harassed because lab draws have not been done. I have been questioned where have I been when I have been fulfilling lab orders, and accused of avoiding work. Other technicians are not questioned when they leave the area. On October 25, 2011, I was given a written disciplinary action for being absent although my supervisor did not follow the company's disciplinary steps. I believe these instances and more are pretext to discriminate against me in retaliation for my filing a complaint of discrimination.


Based upon the information given herein, I believe I have been discriminated against based upon Retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended and City of Corpus Christi Code of Ordinances - Chapter 24 Human Relations, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Nov 04, 2011

Date


Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

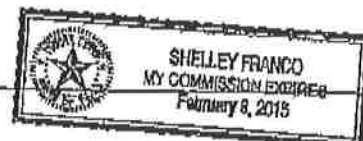


I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

11/4/2011



**Equal Employment Opportunity Commission
Form 5 - Charge of Discrimination, Additional Text**

Charge No: 36B-2012-00016 (Amended)
Charging Party: Cecil R. Russell
Respondent: Christus Spohn Memorial Hospital

AMENDMENT

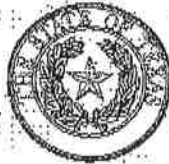
On January 24, 2012, I was discharged for administering medication to a patient. Other ER Technicians have done same or similar things and have been suspended but not discharged.

I believe I was discharged in retaliation for having filed several charges of discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended.

4/26/12
Date


Cecil Russell

101 East 15th Street, Room 144T
Austin, TX 78778-0001
www.twc.state.tx.us



(512) 463-2642 Main
(512) 463-2643 Fax
(888) 452-4778 Toll Free

**Texas Workforce Commission
Civil Rights Division**

2/22/2013

NOTICE OF RIGHT TO FILE A CIVIL ACTION

Cecil R. Russell
c/o Mark A. Sanchez, Esq.
Gale, Wilson & Sanchez
115 East Travis, 19th Floor
San Antonio, TX 78205

Re: *Cecil R. Russell v. CHRISTUS SPOHN MEMORIAL HOSPITAL*
EEOC Complaint # 36B-2012-00016
CRD/Local Commission Complaint #36B-A12-0016

The above-referenced case was processed by the United States Equal Employment Opportunity Commission or a local agency. Pursuant to Sections 21.252 and 21.254 of the Texas Labor Code, this notice is to advise you of your right to bring a private civil action in state court in the above-referenced case. **YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.**

If your case has been successfully resolved by the U. S. Equal Employment Opportunity Commission or another agency through a voluntary settlement or conciliation agreement, you may be prohibited by the terms of such an agreement from filing a private civil action in state court pursuant to the Texas Commission on Human Rights Act, as amended.

The United States Supreme Court has held in *Kremer v. Chemical Construction Corporation*, 456 U.S. 461 (1982), that a federal district court must generally dismiss a Title VII action involving the same parties and raising the same issues as those raised in a prior state court action under Chapter 21 of the Texas Labor Code. Therefore, filing a lawsuit in state court based on the issuance of this notice of right to file a civil action may prevent you from filing a lawsuit in federal court based on Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e - *et seq.*

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Babiak", is written over the word "Sincerely,".

Jonathan Babiak
Division Director

RETAIN ENVELOPE TO VERIFY DATE RECEIVED

Copy to:

CHRISTUS SPOHN MEMORIAL HOSPITAL
2601 Hospital Blvd.
Corpus Christi, TX 78405



CERT-C-NCO2(6/92)



"The Texas Workforce Commission Civil Rights Division is an Equal Opportunity Employer"

2000 082 787780001

Texas Workforce Commission
Civil Rights Division

101 East 15th Street, Room 144T
Austin, TX 78778-0001

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300



02 1R \$ 00.46
0002096085 FEB 22 2013
MAILED FROM ZIP CODE 78701

GALE, WILSON & SÁNCHEZ

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

April 23, 2013

MARK ANTHONY SÁNCHEZ, ESQ.
Board Certified - Labor and Employment Law
Texas Board of Legal Specialization

Ms. Patsy Perez
Nueces County District Clerk
Nueces County Courthouse
901 Leopard, Room 313
Corpus Christi, Texas 78401

Re: Cecil Ray Russell v. Christus Spohn Health Systems
Corporation d/b/a Christus Spohn Hospital – Corpus Christi
Cause No. 2013PCV-2273-B
G, W & S File No. 5550
Plaintiff's Original Petition

Dear Ms. Perez:

Enclosed please find the original and two copies of Plaintiff's Original Petition and check no. 11945 in the amount of \$269.00 for the filing fee, jury demand and citation. I respectfully request that you file the originals amongst your papers and return a file-stamped copy to my attention *via* the self-addressed stamped, envelope provided for your convenience.

With kindest regards, I remain

Very Truly Yours,

MARK ANTHONY SÁNCHEZ, ESQ.

FILED - PATSY PEREZ
2013 APR 25 PM 12:53
CLERK OF DISTRICT COURT
NUECES COUNTY TEXAS

MAS/ld
Enclosures
VIA CMRRR: 7012 1010 0003 1387 6109

cc: Mr. Cecil R. Russell
3410 Crestmeadow Street
Corpus Christi, Texas 78415
(w/out copy of enclosures)
VIA ELECTRONIC MAIL COMMUNICATION ONLY revcrussell@yahoo.com

G:\My Files\1-Sanchez\Russell, Cecil\Perez1.doc

115 EAST TRAVIS, 19TH FLOOR • SAN ANTONIO, TEXAS 78205
TELEPHONE: (210) 222-8899 • TELECOPIER: (210) 222-9526

Citation for Personal Service –RESIDENT

Cause Number: **2013DCV-2273-B**

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **Christus Spohn Health System Corporation D/B/A Christus Spohn Hospital –Corpus Christi
By Serving Registered Agent Corporation Service Company D/B/A
CSC-lawyers Incorporating Service Company
211 East 7th Street Suite 620
Austin Texas 78701-3218**

the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition; Civil Case Information Sheet** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Sandra L. Watts, 117th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said Petition was filed on the 25th day of April, 2013. A copy of same accompanies this citation.
The file number of said suit being Number: **2013DCV-2273-B**

The style of the case is: **Cecil Ray Russell vs. Christus Spohn Health System Corporation**

Said Petition was filed in said court by **MARK ANTHONY SANCHEZ**, attorney for Plaintiff, whose address is **115 E Travis Street 19th Floor San Antonio Tx 78205**.

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 30th day of April, 2013.

**PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas**

**COPY ONLY
NOT VALID FOR SERVICE**

BY _____ DEPUTY
SUBRONZE LUCAS

RETURN OF SERVICE

2013DCV-2273-B

CECIL RAY RUSSELL
VS.
CHRISTUS SPOHN HEALTH
SYSTEM CORPORATION

117TH DISTRICT COURT

Name _____

ADDRESS FOR SERVICE

Christus Spohn Health System Corporation D/B/A Christus Spohn Hospital -Corpus Christi By Serving Registered Agent Corporation Service Company D/B/A CSC-lawyers Incorporating Service Company 211 East 7th Street Suite 620 Austin Texas 78701-3218

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20____, at _____ o'clock ____ m., and executed in _____ County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the _____, at the following times and places, to-wit:

NAME	DATE/TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE
And not executed as to the defendant(s), _____		
The diligence used in finding said defendant(s) being: _____		
and the cause of failure to execute this process is: _____		
and the information received as to the whereabouts of said defendant(s) being: _____		

Fees:

Serving Petition and Copy \$ _____ Officer _____ County, Texas

Total \$ _____ By _____ Deputy _____

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my
(First, Middle, Last)

address is _____
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____ of _____, 20____.

Declarant / Authorized Process Server

ID# & Expiration of Certification

NUECES COUNTY PROCESS REQUEST SHEET

901 LEOPARD STREET ROOM 313 / CORPUS CHRISTI, TEXAS 78401

PHONE # 361-888-0450 / FAX # 361-888-0571

**FOR EACH PARTY SERVED YOU MUST FURNISH A COPY OF THE PLEADINGS.
TWO SETS OF COPIES FOR SEC. OF STATE / COM. OF INSURANCE, ETC.**

SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST

CAUSE NUMBER: 2013 DCV 2273-B **DATE OF REQUEST:** 4/23/2013

Cecil Ray Russell v. Christus Spohn Health Systems Corporation d/b/a Christus Spohn Hospital – Corpus Christi

NAME OF DOCUMENT/PLEADING TO BE SERVED:

Plaintiff's Original Petition

SERVICE BY:

☒ ATTORNEY OR PROCESS SERVER: Thomas Brady PHONE: (210) 887-2402

☐ CERTIFIED MAIL ☐ RESTRICTED DELIVERY ☐ CONSTABLE/SHERIFF ☐ RETURN BY MAIL

☐ COURTHOUSE POSTING # OF DAYS TO BE POSTED: _____ STATEMENT OF SUIT (USE REVERSE SIDE)

☐ PUBLICATION # OF DAYS TO BE PUBLISHED: _____

NAME OF NEWSPAPER: _____

PARTY/PARTIES TO BE SERVED:

[1] NAME/AGENT Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company
ADDRESS 211 East 7th Street, Suite 620, Austin, Texas 78701-3218


[2] NAME/AGENT _____
ADDRESS _____

[3] NAME/AGENT _____
ADDRESS _____

SIGNATURE REQUIRED BY ATTORNEY OR PARTY REQUESTING PROCESS:

NAME  PHONE NUMBER (210) 222-8899

MAILING ADDRESS 115 East Travis, 19th Floor, San Antonio, Texas 78205

FILED-PATSY PER
2013 APR 25 PM 12:5
BY 
NUECES COUNTY, TEXAS
CLERK OF DISTRICT COURTS

GALE, WILSON, & SÁNCHEZ

A Professional Limited Liability Company
Attorneys at Law

115 East Travis, 19th Floor
Telephone: (210) 222-8899

San Antonio, Texas 78205
Telecopier: (210) 222-9526

TELECOPIER TRANSMISSION

Recipient: Mr. Subronze Lucas
Nueces County District Clerk's Office

Telecopier: 1-(361)-888-0571

Date: April 30, 2013

Sender: Lysset De Luna on behalf of MARK ANTHONY SÁNCHEZ, ESQ.

Re: Cecil Ray Russell v. Christus Spohn Health Systems
Corporation d/b/a Christus Spohn Hospital – Corpus Christi
Cause No. 2013-DCV-2273B
G, W & S File No. 5550
Citation

Number of Pages: 1

Please return the citation to our office for service by private process server. Thank you.
Lysset

CLERK OF COUNTY &
DISTRICT COURTS
NUECES COUNTY, TEXAS
FILED-PATSY PEREZ
2013 MAY -1 AM 8:17
BY *[Signature]* DPTV

CONFIDENTIALITY NOTICE

The information contained in this telecopier transmission is privileged and confidential information intended only for the person identified as the recipient. If the reader of this transmission is not the recipient, you are hereby notified that dissemination, distribution or reproduction of this transmission to any person other than the recipient is prohibited. If you have received this transmission in error, please contact the sender at the telephone number listed above.

ORIGINAL

12

Citation for Personal Service –RESIDENT

Cause Number: 2013DCV-2273-B

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **Christus Spohn Health System Corporation D/B/A Christus Spohn Hospital –Corpus Christi**
By Serving Registered Agent Corporation Service Company D/B/A
CSC-lawyers Incorporating Service Company
211 East 7th Street Suite 620
Austin Texas 78701-3218

the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition; Civil Case Information Sheet** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable Sandra L. Watts, 117th District Court of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said Petition was filed on the 25th day of April, 2013. A copy of same accompanies this citation.
The file number of said suit being Number: **2013DCV-2273-B**

The style of the case is: **Cecil Ray Russell vs. Christus Spohn Health System Corporation**

Said Petition was filed in said court by **MARK ANTHONY SANCHEZ**, attorney for Plaintiff, whose address is **115 E Travis Street 19th Floor San Antonio Tx 78205**.

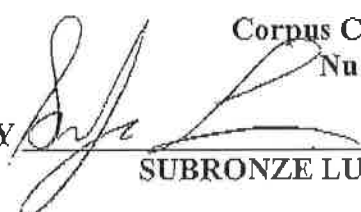
The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 30th day of April, 2013.



PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

BY  **SUBRONZE LUCAS** **DEPUTY**

FILED-PATSY PEREZ
2013 MAY 22 AM 11:54
CLERK
NUECES COUNTY TEXAS

RETURN OF SERVICE

2013DCV-2273-D

CECIL RAY RUSSELL

117TH DISTRICT COURT

VS.

CHRISTUS SPOHN HEALTH
SYSTEM CORPORATION

Name _____

ADDRESS FOR SERVICE

Christus Spohn Health System Company D/B/A CSC-lawyers
 Corporation D/B/A Christus Incorporating Service
 Spohn Hospital -Corpus Company 211 East 7th Street
 Christi By Serving Registered Suite 620 Austin Texas 78701-
 Agent Corporation Service 3218

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the 6 day of May, 2013, at 2 o'clock P. m., and executed in
7000 County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the
 date of delivery endorsed thereon, together with the accompanying copy of the Citation,
 at the following times and places, to-wit:

NAME	DATE/TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE
<u>Corp. Sec. 10</u>	<u>5-10-13</u>	<u>ET. RN. OF SERV. CL.</u>

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being: ET. RN. OF SERV. CL.

and the cause of failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Fees:	_____	Officer
Serving Petition and Copy \$	_____	County, Texas
Total \$	_____	By _____ Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is J. HARRIS L. BARNES, my date of birth is 12-4-49, and my
 (First, Middle, Last)

address is 8915 DATA ROAD H 400 5 AUSTIN, TX 78721
 (Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in TRAVIS County, State of TEXAS, on the 10 day of
 of MAY, 2013.

Anthony J. Reed
 Declarant / Authorized Process Server

5641551 10-31-14
 ID# & Expiration of Certification

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Chris Hornsby</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Christopher Hornsby</i> C. Date of Delivery <i>5-10-13</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company 211 East 7th Street, Suite 620 Austin, Texas 78701-3218</p>	<p>3. Service Type:</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7012 1010 0003 1387 6123</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 100593-02-M-1540</p>	

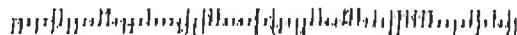
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Thomas Brady
8915 Datapoint 42H
San Antonio, TX 78229



GALE, WILSON & SÁNCHEZ

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

May 20, 2013

MARK ANTHONY SÁNCHEZ, ESQ.
*Board Certified - Labor and Employment Law
Texas Board of Legal Specialization*

Ms. Patsy Perez
Nueces County District Clerk
Nueces County Courthouse
901 Leopard, Room 313
Corpus Christi, Texas 78401

Re: Cecil Ray Russell v. Christus Spohn Health Systems
Corporation d/b/a Christus Spohn Hospital – Corpus Christi
Cause No. 2013DCV-2273-B
G, W & S File No. 5550
Citation

Dear Ms. Perez:

Enclosed please find the original and two copies of executed Citation that was served on the Registered Agent for Christus Spohn Health Systems Corporation d/b/a Christus Spohn Hospital – Corpus Christi on May 10, 2013 in the above-referenced matter. I respectfully request that you file the originals amongst your papers and return a file-stamped copy to my attention *via* the self-addressed stamped, envelope provided for your convenience.

With kindest regards, I remain

Very Truly Yours,



MARK ANTHONY SÁNCHEZ, ESQ.

MAS/ld
Enclosures

cc: Mr. Cecil R. Russell
3410 Crestmeadow Street
Corpus Christi, Texas 78415
(w/out copy of enclosures)
VIA ELECTRONIC MAIL COMMUNICATION ONLY revcrussell@yahoo.com

G:\My Files\i-Sanchez\Russell, Cecil\Correspondence\Perez2.doc

115 EAST TRAVIS, 19TH FLOOR • SAN ANTONIO, TEXAS 78205
TELEPHONE: (210) 222-8899 • TELECOPIER: (210) 222-9526

4. For one or more claims, Plaintiff has failed to exhaust his administrative remedies and has failed to meet all statutory prerequisites to filing this suit.

5. Plaintiff's damages, if any, were not proximately caused by the acts or omissions of CHRISTUS.

7. CHRISTUS at all times acted in good faith to comply with the requirements of statutes under which Plaintiff's claims are brought in this action.

8. Plaintiff's right to compensatory and punitive damages, if any, is limited by §21.2585 of the Texas Labor Code.

9. CHRISTUS is entitled under §21.258(c) of the Texas Labor Code to have any back pay award to Plaintiff reduced by interim earnings and any monetary benefits received by Plaintiff during the period for which Plaintiff seeks damages from CHRISTUS.

10. Any adverse employment actions taken against Plaintiff were based on legitimate non-discriminatory grounds.

11. CHRISTUS exercised reasonable care to prevent and correct discriminatory behavior in its workplace, if any.

12. Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by CHRISTUS or to otherwise avoid the alleged harm.

13. To the extent any discriminatory conduct was directed to Plaintiff, which is denied, it was not directed by an employee, agent or representative of CHRISTUS acting within the course and scope of their employment-related duties with CHRISTUS, nor did CHRISTUS direct, authorize or ratify any such actions.

Prayer

CHRISTUS prays that Plaintiff take nothing by reason of this suit, and that CHRISTUS recover its costs and such other and further relief to which CHRISTUS may show itself justly entitled.

Respectfully submitted,

BEIRNE, MAYNARD & PARSONS, L.L.P.

By: 

Danya W. Blair
State Bar No. 00790315
1300 Post Oak Blvd., Suite 2500
Houston, TX 77056
Telephone: 713-623-0887
Facsimile: 713-960-1527

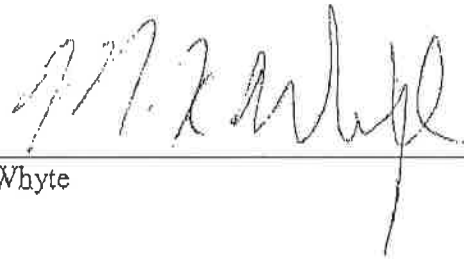
Marc K. Whyte
State Bar No. 24056526
112 East Pecan, Suite 2750
San Antonio, Texas 78205
Telephone: 210-582-0220
Facsimile: 210-582-0231

ATTORNEYS FOR DEFENDANT
CHRISTUS SPOHN HEALTH
SYSTEM CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was sent to the following attorneys of record by certified mail, return receipt requested on this 31st day of May, 2013.

GALE, WILSON & SANCHEZ, PLLC
Marc Sanchez
Christopher Gale
115 E. Travis St., 19th Floor
San Antonio, Texas 78205
(210) 222-8899
(210) 222-9526 – fax

A handwritten signature in dark ink, appearing to read "M. Whyte", is written over a horizontal line.

Marc K. Whyte